

REMARKS

Claims 1-11 remain pending in the present application. Claims 1-5 have been amended. Claims 6-11 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

SPECIFICATION

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The title of the invention has been amended to be consistent with the Examiner's suggestion. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirai, et al. (U.S. Pat. No. 6,411,198) in view of Jones, et al. (U.S. Pat. No. 6,337,972). The present invention in Claim 1 defines a ringer melody which includes a plurality of melodic lines, selector means for selecting one of the plurality of melodic lines and a second notifying device for notifying of the incoming call. The second notifying device is controlled based on signals generated by sound source data of the selected one of the plurality of melodic lines.

Hirai '198 discloses a radio device in which a sender sends a code representing one of a plurality of melodic codes to a recipient. The recipient then outputs a ringer melody corresponding to the code by referring to a corresponding ringer melody stored in memory. However, the ringer sound is selected by the sender. The user never

selects one from among a plurality of melodic lines. Further, as stated by the Examiner, Hirai does not disclose that one ringer melody includes a plurality of melodic lines.

In Hirai (Column 12, lines 13-67), light/vibrator/display control are described as being combined and controlled by the sender. However, in this description, the recipient has tables corresponding to vibrating patterns or blinking patterns, separately and respectively. Namely, in Hirai, the ringer melody, vibration or light operate independently, without having any cooperation with each other. By contrast, in the present invention, a pair of ringer melody and vibration, a pair of the ringer melody and the light emitting, or a pair of the ringer melody and displaying operates while having linkage or cooperation between the pair.

In Jones '972, the ringer sound is also selected by the counterpart. Once again, the owner never selects one from among a plurality of melody lines. More fully, in Jones, the sender forms a ringer melody and sends the data of the formed ringer melody to the recipient. The received melody data thereby produces a ringer melody. Referring to Fig. 3 of Jones, a single melodic line of Beethoven No. 5 symphony is described. Beethoven No. 5 symphony includes not only one but many melodic lines. Accordingly, the Examiner has asserted that "trigger by one of the plurality of melodic lines" is a known technology. We respectfully disagree with the assertion. As shown in Figs. 2 and 3 in Jones, only one melodic line of the ringer melody is outputted.

In summary, amended Claim 1 defines that notification of the second notifying device is controlled based on signals generated by the sound source data of the selected one melodic line. Linkage or cooperation between the ringer melody and

vibration, between the ringer melody and the light emitting, or between the ringer melody and displaying is never described in Hirai nor in Jones.

Thus, Applicant believes Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 2-5, which depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

NEW CLAIMS

New Claim 6 is a new independent claim which defines a ringer melody having a plurality of melodic lines; first selector means is for selecting one of the melodic lines; a first notifying device generates said plurality of melodic lines of the ringer melody and a second notifying means notifies of the incoming call based on sound signals generated by sound source data of the one of the plurality of melodic lines.

Claims 7-10 are the same as 2-5 but dependent on Claim 6. New Claim 11 is a dependent claim which defines a second selector means for selecting the ringer melody from a plurality of ringer melodies.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt

and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: August 23, 2004

By: 

Michael J. Schmidt, 34,007

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MJS/pmg